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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,471	04/16/2001	Kia Silverbrook	360040-18	6185

24011 7590 11/28/2003

SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

[REDACTED] EXAMINER

GORDON, RAQUEL YVETTE

ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/835,471</b>	Applicant(s) <b>Silverbrook</b>
Examiner <b>Raquel Y. Gordon</b>	Art Unit <b>2853</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on May 5, 2003
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 130-136 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 130-136 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on Apr 16, 2001 is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6)  Other: **PTOL-90C**



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09/835471

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

15

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Dear Mr. Silverbrook,

This correspondence is in regard to serial number 09/835471 (your docket # 360040-18 (IJ46US-Div 3). We received a fax entitled "Preliminary Amendment" on or about May 5, 2003. The communiqué indicated Oppenheimer Wolff & Donnelly prepared a preliminary amendment #1 adding claims 130-137. Preliminary amendment #1, intended for parent case 09/807297, was incorrectly entered into 09/835471. Your communiqué further indicated the correct amendment should be preliminary amendment #2 which adds claims 154-160. These claims were renumbered by hand as claims 130-136. However, you indicated claims 154-160 should be correctly renumbered as claims 138-144.

The current application was initially filed based on claims 1-129. Preliminary amendment #1 canceled claims 1-129 and replaced them with claims 130-137. Preliminary amendment #2 canceled claim 1 and replaced it with claims 154-160. An issue presented is renumbering the claims as 138-144 leaves a gap in the claim numbers. This further presents the question whether there are claims intended for entry that are missing.

The Examiner kindly requests you provide her with the proper claim numbering or an explanation as to why the correct numbering should be claims 138-144.

Further, there is a discrepancy in the actual filing date of the parent case and the filing date in the PTO system. Please clarify this date so the bibliographic information can be properly updated.

Thank you and respectfully submitted,



Raquel Y. Gordon  
Primary Examiner  
Art Unit: 2853

RAQUEL GORDON  
PRIMARY EXAMINER